

H.B. No. 1295

By Cummings

A BILL

TO BE ENTITLED

AN ACT amending Sections 4, 6, and 8, Chapter 241, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 614, Vernon's Texas Penal Code), relating to boxing and wrestling fees and taxes and making other provisions relating thereto; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 4, 6, and 8, Chapter 241, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 614, Vernon's Texas Penal Code), are amended to read as follows:

"Section 4. Before any individual, firm, club, copartnership, association, company, or corporation may act as a promoter of either boxing or wrestling as herein defined, such promoter shall file or cause to be filed with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age, present actual residence, and length of time thereof, place where promoter will operate, and such other information as may be required by such printed forms when furnished, and the application filed with the Commissioner of Labor shall be accompanied with a registration or license fee, for which a permit or license may be issued by said Commissioner of Labor, for the type of license applied for, such remittance to be in such form as by law provided for other remittances to such officer, and such registration fee shall be Fifteen Dollars (\$15) for Boxing Promoters License and Fifteen Dollars (\$15) for Wrestling Promoters License in a city with a population not exceeding seven thousand, five hundred (7,500); Thirty Dollars (\$30) in cities with a population of seven thousand, five hundred and one (7,501) to seventeen thousand, five hundred (17,500) inclusive; Forty-Five Dollars (\$45) in cities with a population of seventeen thousand, five hundred and one (17,501) to twenty-five thousand (25,000), inclusive; One Hundred and Fifty Dollars (\$150) in cities with a population of twenty-five thousand and one (25,001)

to seventy-five thousand (75,000), inclusive; and Three Hundred Dollars (\$300) in a city of more than seventy-five thousand (75,000) inhabitants, and any person or group of persons acting as such promoter without so registering and remitting such license fee, and having in their possession a duly authorized permit, shall be deemed guilty of felony swindling and shall be punished accordingly."

"Section 6. Each individual, firm, club, copartnership, association, company or corporation which conducts any fistic combat, boxing, sparring or wrestling match, contest or exhibition wherein the contestants or participants receive a money remuneration, purse, or prize equivalent for their performance or services in same, and/or where an admission fee is charged or received, shall furnish to the Commissioner of Labor Statistics at Austin, Texas, within forty-eight (48) hours after the termination of such match, contest or exhibition, a duly verified report thereof showing the number of tickets sold, the various prices received therefor, and the amount of gross receipts for the total number of tickets sold therefor, and at the same time shall attach to the Commissioner of Labor's report legal tender or make proper form of money order or exchange payable to the State Treasurer in the amount of tax for five percent of the total gross receipts from the sale of tickets of admission to such contest, which tax shall be deposited to the credit of the 'Boxing and Wrestling Enforcement Fund.' No other fee or tax either general or local, than as herein provided, shall be assessed against or levied upon any such match, contest or exhibition, contestant or manager, or promoter thereof."

"Section 8. Before any person may perform or act as boxer, wrestler, or manager of such boxer or wrestler, or matchmaker for a promoter of boxing and wrestling contests or exhibitions, where such boxer, wrestler, manager, or matchmaker performs or renders service for money remuneration, purse or prize equivalent, or may appear or perform without remuneration in contests with or on the same card with licensed contestants, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by him a verified declaration or application, setting forth the true name, age,

present actual residence, and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such officer, and such license fee shall be Twenty-five Dollars (\$25) for each boxer or wrestler and Thirty Dollars (\$30) for each manager of a boxer or wrestler, and Thirty Dollars (\$30) for each matchmaker for a promoter of boxing and wrestling or otherwise for a boxer or wrestler; provided further that a license good for thirty (30) days only may, upon receipt of proper application, and when approved by the Commissioner of Labor, be issued to a boxer or a wrestler, for a fee of **Five Dollars (\$5)**. And it is further provided that each manager shall file with the Commissioner of Labor a copy of each and every contract entered into with a boxer or wrestler, and any person acting or performing without so registering and remitting such license fee shall be deemed guilty of misdemeanor swindling and shall be punished accordingly.

"It is further provided that before any person may perform or act as second to a boxer or wrestler, or timekeeper at a boxing or wrestling contest, or referee of boxing and wrestling contests or exhibitions, such person shall file with the Commissioner of Labor at Austin, Texas, on such form as may be furnished by said Commissioner, a verified declaration or application, setting forth the true name, age, present actual residence, and length of time thereof, place where and party with whom filed if other than with the Commissioner of Labor at Austin, Texas, as is herein provided, and such other information as may be required by such printed forms, and the application shall be accompanied with a license fee, such remittance to be in such form as by law provided for other remittances to such officer, and such license fee shall be Twenty Dollars (\$20) for such referee; provided, however, that a deputy commissioner of labor may appoint a referee for a single boxing or wrestling combat, and issue the license therefor, and said license fee shall be Five Dollars (~~\$5~~); and Ten Dollars (\$10) for each second and timekeeper, provided, however, that a

deputy labor commissioner may appoint said second and timekeeper and other necessary local officials for any single boxing or wrestling combat and issue a license therefor without charge; and provided further that adequate provisions shall be made for some person of proper authority present at the match to appoint a substitute for any referee, second, timekeeper, or any other officiating person who fails to present himself at the time of the bout; and provided further that any person acting in any of the above named capacities or performing without registering and remitting such license fees as are herein required shall be deemed guilty of misdemeanor swindling and shall be punished accordingly."

Sec. 2. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

H.B. No. 1215

By

Cumming

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FILED MAR 14 1969

READ 1st TIME
AND REFERRED TO COMMITTEE ON

Revenue & Taxation
Dorothy Hallman

MAR 24 1969

Chief Clerk, House of Representatives